REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1, 3-10, and 12-20 were pending in this application. Claims 1, 10, and 19 have been amended. Accordingly, claims 1, 3-10, and 12-20 will be pending herein upon entry of this Amendment. Support for the amendment to each of the claims can be found, for example, at page 1, lines 24-26, at page 6, lines 20-24, and in Figure 1 of the present invention.

In the Office Action mailed, claims 1, 5, 10, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,385,596 to Wiser et al. (hereinafter "Wiser") in view of U.S. Patent No. 6,138,120 to Gongwer et al. (hereinafter "Gongwer") in view of U.S. Patent Application Publication US 2004/0260792 to Speicher (hereinafter "Speicher").

The Examiner has conceded that Wiser and Gonwer fail to teach "the selected encoding format being selected from a first format with a first coder/decoder ("CODEC") and a second encoding format with a second CODEC that differs from the first CODEC" of independent claims 1 and 10. The Examiner has suggested that Speicher, in paragraphs 70-73, teaches "the selected encoding format being selected from a first encoding format with a first coder/decoder ("CODEC") and a second encoding format with a second CODEC that differs from the first CODEC" of independent claims 1 and 10.

Speicher, in paragraph 70, describes an Internet Web server that uses RealAudio server software to convert audio files into a compressed audio format. Speicher, in paragraph 71, also teaches that the Internet Web server uses VDOLive server software to convert video files into a

compressed format. Since an audio CODEC can only be used for compressing an audio file and a video CODEC can only be used for compressing a video file, Speicher does not actually teach a selection "selected from at least a first encoding format with a first coder/decoder ("CODEC") and a second encoding format with a second CODEC that differs from the first CODEC." For example, a video CODEC is not provided as a selection for an audio file. Similarly, an audio CODEC is not provided as a selection for a video file.

With the foregoing in mind, and in an effort to even further clarify the features of the present invention, independent claims 1 and 10 were amended to include "wherein the first encoding format and the second encoding format can be applied to the media program file." Speicher does not teach that RealAudio server software and VDOLive server software can be applied to the same media program file. As a result, Speicher does not disclose or suggest all of the elements of amended claims 1 and 10. Since Speicher does not disclose or suggest all of the elements of amended claims 1 and 10, amended claims 1 and 10 are believed to be allowable in view of Speicher.

For at least the same reasons as described above with regard to amended independent claims 1 and 10, Speicher does not disclose or suggest all of the elements of dependent claims 5 and 14. Therefore, dependent claims 5 and 14 are believed to be allowable.

Claims 3-4 and 12-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser in view of Gongwer in view of Speicher.

For at least the same reasons as described above with regard to amended independent claims 1 and 10, Speicher does not disclose or suggest all of the elements of dependent claims 3-4 and 12-13 . Therefore, dependent claims 3-4 and 12-13 are believed to be allowable.

Claims 6 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser in view of Gongwer in view of Speicher further in view of U.S. Patent No. 5,421,620 to Sauerwine.

For at least the same reasons as described above with regard to amended independent claims 1 and 10, Speicher does not disclose or suggest all of the elements of dependent claims 6 and 15 . Therefore, dependent claims 6 and 15 are believed to be allowable.

Claims 7-8 and 16-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser in view of Gongwer in view of Speicher further in view of U.S. Patent No. 5,852,435 to Vigneaux.

For at least the same reasons as described above with regard to amended independent claims 1 and 10, Speicher does not disclose or suggest all of the elements of dependent claims 7-8 and 16-17 . Therefore, dependent claims 7-8 and 16-17 are believed to be allowable.

Claims 9 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiser in view of Gongwer in view of Speicher further in view of U.S. Patent No. 6,057,872 to Candelore.

For at least the same reasons as described above with regard to amended independent claims 1 and 10, Speicher does not disclose or suggest all of the elements of dependent claims 9 and 18 . Therefore, dependent claims 9 and 18 are believed to be allowable.

Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,298,385 to Sparks et al. (hereinafter "Sparks") in view of Speicher.

The Examiner has conceded that Sparks fails to teach "the selected encoding format being selected from a first format with a first coder/decoder ("CODEC") and a second encoding

format with a second CODEC that differs from the first CODEC" of independent claim 19. The

Examiner has suggested that Speicher, in paragraphs 70-73, teaches "the selected encoding

format being selected from a first encoding format with a first coder/decoder ("CODEC") and a

second encoding format with a second CODEC that differs from the first CODEC" of

independent claim 19.

Claim 19 was amended to include "wherein the first encoding format and the second

encoding format can be applied to the media program file." For at least the same reasons as

described above with regard to amended independent claims 1 and 10, Speicher does not disclose

or suggest all of the elements of amended independent claim 19. Therefore, amended

independent claim 19 is believed to be allowable.

Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sparks in

view of Speicher.

For at least the same reasons as described above with regard to amended independent

claim 19, Speicher does not disclose or suggest all of the elements of dependent claim 20.

Therefore, dependent claim 20 is believed to be allowable.

In view of the foregoing all of the claims in this case are believed to be in condition for

allowance. Should the Examiner have any questions or determine that any further action is

desirable to place this application in even better condition for issue, the Examiner is encouraged

to telephone applicants' undersigned representative at the number listed below.
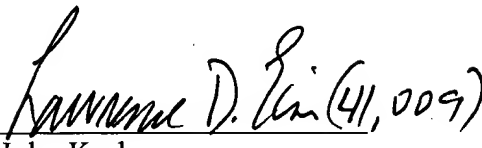
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Date: August 19, 2005

Respectfully submitted,
TOBIAS ET AL.

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Attachments:

JRK/src

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